File No. (RD 1 EWR 70) PWD 6 LBW 70.

# MYSORE GOVERNMENT SECRETARIAT

## Notes/Correspondence/Collection

Department Rev Section E.

---

Subject :— Issue of instructions (to all State myself) regarding in collection of water Rate

---

Earlier References :—

Later References :—

---

Intended

Instr:

27-7-71
19-4-71

(Classification A/B/C)

Notes Pages 11

Correspondence Pages 2

For/Not for Section Note Book

To be destroyed after

Under Secretary to Government. 7/2/71

PWD 661/LD/4920

DOCKET SHEET

Department: Revenue

File No. RD/26 EWR 20

Section E

Volume:

SUBJECT: Issue of instructions (to the Revenue Officers) Regarding the collection of water rate

| Number and date | To whom sent | Instructions |
|---|---|---|
| 1 | 2 | 3 |
| 28.7.70 | PWD | F837 5/4/ |
| | L.D. | |
| 4085 dt. 31/8 | | |

L. & L. SECTION
LAW & P.A. DEPT.
No. 2711103
Dt. 1 SEP 1970
Section E.D.

L.D. (Opn. II)
No. 1789 Date 1/9/20.

1/9

L.D.A. 1/11/70

26.9.70 PWD

6427/

CK

[P T O.

RD 126 EWR 20

Sl no. 1 (Receipt no. 4473)
Letter dated 21-7-70 of the Secy Mysore.

Note 1

This may be marked to the consideration of PWD for the issue of the instructions on the points mentioned by the Mysore Govt.

25/7/70.

27/7/70

28/7/70.

(Gl. Irrgn).
2281 Date 31/7

39197
30
Spl.

Kve

39/7

Water rate rules and accts have since been transferred to General Irrigation this may be marked to that section.

PWD (Gl. Irrgn).
No Date
PWD 661 IBG 70 6/8/70.

6/8/70

& C
2

Note. 2.

The letter from the Divisional Commissioner Mysore placed at sl no 1 is for kind perusal. The Question relates to the Collection of irrigation dues under 30(b) Loans and 22(E) Charges relating to the period from the dates mentioned in Section 3(1) of Mysore Irrigation (Levy of Betterment Contribution

and Water Rate) ~~Act~~ Act-1957 which came into force w.e. from 1.7.1965. According to second proviso to section 4 of this Act, no betterment-Contribution is leviable in respect of lands benefitted by the construction, reconstruction, extension etc of a tank, well, reservoir, Ancient Bhandra, pond, Spring, pond, Kunta Talapiraye or Madagu, which is not capable of irrigating more than one hundred acres of land. According section 3(1) of the Act; betterment-Contribution is not to be levied earlier than (1) the 1st Jan 1946 in Mysore area, (2) the 1st Jan 1947 in the Madras area (3) the 1st Aug 1947 in Hyderabad area and (4) the 1st Jan 1950 in the Bombay area and the Coorg Distt. The Divisional Commr reports that betterment-Contribution was levied under the enactments which were then in force in the respective areas irrespective of whether the works were capable of irrigating more than one hundred acres of land or not. After the coming into force of the Mysore Irrigation (Levy of Betterment-Contribution and Water Rate Act, 1957) the Divisional Commr states that Betterment-Contribution has to be re-levied under the Act in respect of works to which section 3(1) applies in respect of works capable of irrigating more than 100 acres the amount of the betterment-Contribution already recovered has to be given a set off against the betterment-Contribution due under the Act, The Divisional Commr, therefore requests

order of how in the following:-

1) to re-levy the betterment Contribution for the works taken up after the dates mentioned in Section 3(1) of the Act provided such works are capable of irrigating more than one hundred acres of land.

2) to Cancel the demand already booked under the previous enactments in respect of works taken up after the dates mentioned in Section 3(1).

3) to adjust the amount already Collected in respect of works capable of irrigating more than 100 acres, towards betterment-Contribution due under the Act- and

4) to Cancel the demand and to refund the amount already Collected in respect of the works taken up after the dates mentioned in Section 3(1) which are not capable of irrigating more than one hundred acres.

2 In the circumstances the Ld may kindly see and advice on the issues raised by the Divisional Commr. Mysore. before the file is referred to F.D.

~~Sd~~
28/8/70

3. Please see Sections 3(1) and 4 of the Mysore Irrigation (Levy of Betterment Contribution and water Rate) Act 1957 placed

below. This Act has come into force from 1.7.1965.

4 The Divisional Commissioner, Kyaukse Division states that from the dates mentioned in Section 3(1) till 30.6.1965, Betterment Contribution was levied and recovered under the enactments which were then in force in the respective areas, irrespective of the fact whether the works were capable of irrigating more than one hundred acres of land or not. After 1.7.65 i.e. after the coming into force of the above mentioned Act, Betterment Contribution ~~has~~ has to be levied in respect of works capable of irrigating more than 100 acres.

5 He therefore states that the amount of Betterment Contribution already recovered in respect of works coming under Section 3(1) and which are not capable of irrigating

more than 100 acres of land has to be cancelled and the amount if any already collected will have to be refunded to the land holders concerned.

6. It may be stated here that prior to the coming into force of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 i.e. before 1.9.65 Betterment Contribution was being collected under the Acts that were in force in the respective areas and therefore the question of refund of the Betterment Contribution already collected from the beneficiaries, in respect of the works Capable of irrigating less than 100 acres, does not arise

7. If approved the Divisional Commissioner Mysore Dn will be intimated as above. He will also be asked to collect the Betterment

Contribution as per the provisions of the Kuttanad Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 from 1.7.65.

For order.

22/8/70

of Betterment contribution — Act 1957,

Section 12 (Repeal and Savings) provides that the provisions of this Act relating to betterment contribution shall not be applicable to levies in respect of which contribution or betterment charges have already been levied under any repealed enactment and such contribution or betterment charges shall continue to be collected as if this Act had not been passed. Therefore it is clear that if Betterment contribution were being levied prior to the coming into force of the Act 1957, they shall be continued. Except that in the case of areas which are not capable of irrigating more than one hundred acres, the Betterment contribution already collected would be in order that further collection of balance amount would not be necessary and the amount already collected also need not be

Rs 126 CWR 70

Reminder. LD. may kindly see advice.

DS/LD

23/8

29/8

58319

Law Department.

The Administrative Secretariat is requested to indicate the points on which the opinion is required by this department with relevant facts and to follow the procedure laid down in O.M.No.GAD 2 OSM 66 dated 15-6-67.

(K.V.Govinda Raju), 21/10/70
Under Secy.to Govt.,Law Dept.

R.D.)

2D. 1389/OPM/70 dtd 22.10.70

22/10/70

(9) This may be mailed to the PWD, 23/10/70 (Chief General Irrigation).

24/11/70

23/10/78

29/8

(10) Ref para 8 ante. The facts of the case and the points on which the advice of LD is sought for, may, in brief, be summed up as under:-

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 came into force from 1.7.1965. According to Section 3(1) of this Act, betterment-Contribution is to be levied in respect of the lands benefitted by the Construction

restoration of irrigation works after the Commencement of the Act. According to Second Proviso to Section 4 of the Act, no betterment Contribution is leviable in respect of lands benefitted by such works, which are not capable of irrigating more than one hundred acres of land. The Divisional Commr., Mysore has returned that betterment Contribution ~~betterment Contribution~~ was levied under the enactments which were then in force in the different areas of the State, prior to the Commencement of the Act (ie in between the period from the dates mentioned in the Section 3 (1) viz 30.6.65) irrespective of the fact whether such works were capable of irrigating more than one hundred acres of land or not. He is of the view that the demand for Betterment Contribution already booked in respect of the works coming under Section 3(1) of the Act which are not capable of irrigating more than one hundred acres of land has to be cancelled and the amount, if any, already collected will have to be refunded to the land-holders concerned, as no betterment Contribution could be levied on such lands.

In this Connection it may be pointed

| M. G. S. | Subject: | File No. |
|---|---|---|

on that Betterment Contribution Act 1957, Section 12 (Repeal and Savings) provides "that the provisions of this Act relating to Betterment Contribution shall not be applicable to lands in respect of which Contribution or Betterment charges have already been levied under any repealed enactment and such Contribution or Betterment charges shall continue to be collected as if this Act had not been passed". It is therefore clear that if Betterment Contribution was being levied prior to the coming into force of the Act 1957, they shall be continued except that in the case of works which are not capable of irrigating more than one hundred acres, the Betterment Contribution already collected would be in order, but further collection of balance amount would not be necessary and the amount already collected also need not be refunded.

11) I would kindly see and advise whether the above stand taken is legally in order, and if so, the

| Subject: | File No. | M. G. S. |
|---|---|---|

WD 01050—G?B—8,00,000 13-12-65

the Divisional Commissioner. Before Dy may be informed accordingly.

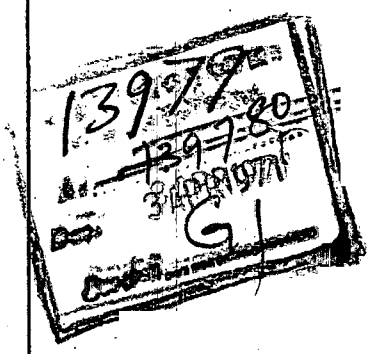
3/11/70

9
4/11/70

LD)

4
9/81

L.D. 2245/LII/70



-Note-

Department of Law and
Parliamentary Affairs

12) In view of the further proviso to Sec.12 of the Mysore Irrigation (~~Rekk~~ Levy of Betterment Contribution and Water Rate)Act,1957 the provisions of this Act relating to levy of betterment contribution shall not be applicable to lands in respect of which contribution or betterment charges have already been levied under any repealed enactment and such contribution or betterment charges shall continue to be collected as if this Act had not been passed. Therefore, it is clear that the contribution or betterment charges already levied are valid and may be continued to be collected.

PWD )

(B.Hanumanthiah),
Addl.Secy., L&PA Dept.
31.3.1971.

1/4

4
3/4

2
3/4

M. G. S. | Subject: | File No.

13) The Divisional Commr. Mysore may be informed of the opinion of GD as per para 12 ante. Draft letter is submitted for approval.

DS 5/4/71

DS 5/4/71

For personal inspection

DS

9/4

DS 6/4/71

9/4

Issued on 8/4/71

May be recorded 'B'.

DS 8/4/71 DS 9/4

Keep a copy of this letter in the next file.

9/4

B/G.E

Copy of the letter at flag 2 is retained. May be recorded 'B'

DS 12/4/71 DS

DS 19/4/71

GOVERNMENT OF MYSORE

No. PWD 6 LBW 70

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

*Dated, Bangalore,* 8 April 1971.

FROM

The *Secretary to the Government of Mysore*,
Public Works & Elecy. Department.

To

The Divisional Commissioner,
Mysore Division,
M_Y_S_O_R_E.

Sir,

Sub: Collection of irrigation dues under 30(b) Loan and 22(E) charges - relating to the period the dates mentioned in the Mysore Irrigation (Levy of Betterment Contribution and Water rate) Act, 1957 - Certain instructions.

-:-

With reference to your letter No. IRR 60 C 3031/70-71 dated 21-7-70 on the above subject, I am directed to state that in view of the further proviso to section 12 of Mysore Irrigation (levy of Betterment Contribution and Water Rate) Act, 1957 the provisions of this Act relating to levy of betterment Contribution shall not be applicable to lands in respect of which Contribution or Betterment Charges have already been levied under any repealed enactment and such Contribution or Betterment Charges shall Continue to be collected as if this Act had not been passed. Therefore, it is clear that the Contribution or Betterment Charges already levied are valid and may be continued to be collected.

Yours faithfully,

( S.K. MOHAN )
Under Secretary to Government,
Public Works & Elecy. Department.

ISSUED
Dated 8/4/71

Kn/* 7/4

PWD 6 LBW 70.

To

The Divisional Commr. Mysore Dn. Mysore.

Sir,

Sub:- Ar at-Fr NDI

With to your letter NO IRR 60 C 3031/70-71 dated 21.7.70 on the above subject, I am directed to state that in view of the further proviso to Section 12 of Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 the provisions of this Act relating to levy of betterment Contribution shall not be applicable to lands in respect of which Contribution or Betterment Charges have already been levied under any repealed enactment and such Contribution or Betterment Charges shall continue to be collected as if this Act had not been passed. Therefore, it is clear that the Contribution or betterment Charges already levied are valid and may be continued to be collected.

Yours faithfully,

for

US(T)

for 5/4/71

Sl No 1

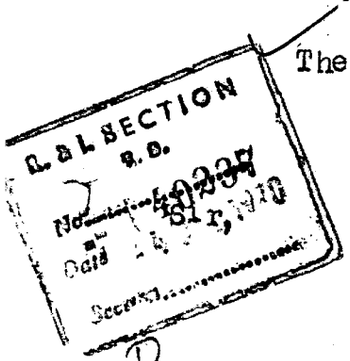
GOVERNMENT OF MYSORE

No. IRR 60 C 3031/70-71 8

Office of the Divisional Commissioner,
Mysore Division,
Mysore-5. Dated: 21st July, 1970.

To

The Secretary to the Government of Mysore,
Revenue Department, P.B.No. 349,
"Vidhana Soudha," BANGALORE-1.




Sub: Collection of irrigation dues under 30(b) Loans and 22(E) charges - relating to the period the dates mentioned in the Mysore Irrigation (Levy of Betterment Contribution and Water-rate) Act, 1957 - Certain instructions.

-ooo-

According to Section 3(1) of the Mysore Irrigation (Levy of Betterment Contribution and Water-rate) Act, 1957, betterment contribution is to be levied in respect of the lands benefitted by the construction, restoration etc., of any irrigation work by the Government after the commencement of the above Act or at any time before such commencement but not earlier than (1) the first January 1944 in the Mysore Area (2) the first January 1947 in the Madras Area (3) the first August 1947 in the Hyderabad Area and (4) the first January 1950 in the Bombay Area and the Coorg District.

According to the second proviso to Section 4 of the above Act, no betterment contribution is leviable in respect of lands benefitted by such works, which are not capable of irrigating more than one hundred acres of land. The above Act came into force with effect from 1-7-1965. In between the period from the dates mentioned in Section 3(1) of the Act till 30-6-1965, Betterment Contribution was levied under the enactments which were then in force in the respective areas, irrespective of whether the works, were capable of irrigating more than one hundred acres of land or not. After coming into force of the Mysore Irrigation (Levy of Betterment Contribution and Water-rate Act, 1957) Betterment Contribution has to be re-levied under the above Act in respect of works to which Section 3(1) applies in respect of works capable of irrigating more than 100 acres the amount of the betterment contribution already recovered has to be given a set off against the betterment contribution due under the Act. This has to be done in the individual khatas and the demand register. The demand of betterment contribution already booked in respect of the works coming under Section 3(1) and which are not capable of irrigating more than one hundred acres of land has to be cancelled and the amount, if any, already collected will have to be refunded to the land-holders concerned, as no betterment contribution could be levied on such lands.

I request that orders of Government may be obtained and communicated on the following:-

1) to re-levy the betterment contribution for the works taken up after the dates mentioned in Section 3(1) of the Act provided such works are capable of irrigating more than one hundred acres of land.

P-2.

2) to cancel the demand already booked under the previous enactments in respect of works taken up after the dates mentioned in Section 3(1).

3) to adjust the amount already collected in respect of works capable of irrigating more than 100 acres, towards betterment contribution due under the above Act and

4) to cancel the demand and to refund the amount already collected in respect of the works taken up after the dates mentioned in Section 3(1) which are not capable of irrigating more than one hundred acres.

Yours faithfully,

22.1.70

(N. MAHABALA SHETTY),
for Divisional Commissioner,
Mysore Division.

(Draft approved by the
Divisional Commissioner)

MR:8.